

Attorney Docket No. 06666-033002
Application No. 09/681,622
Amendment dated March 30, 2004
Reply to Office Action dated December 30, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, the indication that claim 29 would be allowable if rewritten to overcome the indefiniteness rejection is appreciatively noted. Claim 29 is appropriately amended herewith and should be allowable. Hence, none of the remarks set forth herein applied to that now-allowable claim 29.

Claims 2, 3, 5, 28 and 29 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. In response, these claims are amended herewith for indefiniteness and to obviate the issues thereto.

Claims 1-3 and 19 stand rejected under 35 USC 102(b) as allegedly being anticipated by Leddy. However, this is respectfully traversed, and it is again respectfully submitted that Leddy always produces the output being in precisely the same position, and therefore never changes "an output position of said output optical beam". As can be seen from Leddy, the scene which is generated is always projected in the same direction, as shown on scene generator 21. Each individual pixel of the digital mirror device can be pivoted between two

Attorney Docket No. 06666-033002
Application No. 09/681,622
Amendment dated March 30, 2004
Reply to Office Action dated December 30, 2003

different positions, shown generally as the first position in figure 5A and the second position in figure 5B. Therefore, each individual pixel could have its position changed. However, in order to obviate that particular interpretation of Leddy, claim 1 states that the controller elements are controlled "using multiple digital bits, such that each change of each single bit changes an output position of said output optical beam". Leddy never changes the position of the output optical beam at all, as is evident from the fact that the beam must always impinge on the same location in order for there to be a scene on the scene generator.

However, to the extent that Leddy does change any position at all, it certainly does not control the reflector elements using multiple bits such that each single bit changes an output position of the output beam.

Therefore, claim 1 should be allowable along with claims 2 and 3 which depend therefrom.

Claim 3 should be specifically allowable since it states that some of the moving mirrors are moved by a different amount than other moving mirrors. In Leddy, each of the mirrors are moved by precisely the same amount. The mirror can be in the first position of figure 5A/8A or in the second position of figure 5B/8B. There is no teaching of moving mirrors moved by

Attorney Docket No. 06666-033002
Application No. 09/681,622
Amendment dated March 30, 2004
Reply to Office Action dated December 30, 2003

different amounts. In fact, anything that could conceivably make the mirror move by different amounts would go expressly against the teaching of Leddy, which describes that they should be a digital two-valved system.

To summarize the above, there is absolutely no teaching or suggestion of how to use Leddy to control the reflector elements using multiple digital bits such that each change of each single bit changes an output position of the output optical beam.

Claim 19 specifies a controller that operates based on a plurality of digital bits to change a position of the array of reflector elements to produce an output beam at a position based on the digital bits. As described above, each single pixel in the Leddy system may be moved between position a and position b. However, the array as a whole always has to direct its output beam to the same position. If it did not, then it would not be able to produce a television output signal as shown. Therefore, it is respectfully suggested for these reasons that claim 19 is not anticipated by Leddy.

Claims 5, 26 and 28 stand rejected over Leddy in view of Lin. However, even assuming that Lin does teach different size mirror elements, it certainly does not teach or suggest how these mirror elements could be used, according to the claims, and specifically to control the reflector elements using

Attorney Docket No. 06666-033002
Application No. 09/681,622
Amendment dated March 30, 2004
Reply to Office Action dated December 30, 2003

multiple digital bits such that each change of each single bit changes an output position of the beam, as defined by claim 1, or the other language set forth in claim 19. Lin teaches a system used in a DMD, of deflecting to a desired detector. There is no teaching or suggestion of using this system and controlling using multiple digital bits, such that the change of the single digital bit changes the output position of the output beam.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

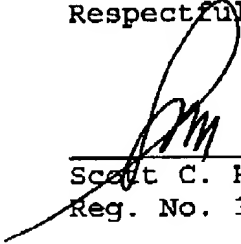
Attorney Docket No. 06666-033002
Application No. 09/681,622
Amendment dated March 30, 2004
Reply to Office Action dated December 30, 2003

In view of the above amendments and remarks, therefore, all of claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 30, 2004



Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10381233.doc